

UNITED STATES DISTRICT COURT
Northern District of California

JOHN SAUCER,

Plaintiff,

No. C 06-7119 MEJ

v.

FINAL PRETRIAL ORDER

OFFICER G. SMIT,

Defendant.

1. The trial will proceed in Courtroom D as follows: the parties will appear at 9:00 a.m. on Monday, March 29, 2010. Jury selection will commence at 9:30 a.m. The trial will start at 1:15 p.m. Each day, trial will begin at 9:30 with a 15 minute break at 11:00 a.m., a 45 minute lunch at 12:30 p.m., an afternoon break at 2:30 p.m., with the trial concluding at 4:00 p.m. each day.

2. Each side has 7 hours to present their case. The 7 hours does not include opening and closing statements. Opening statements must be limited to 30 minutes and closing statements must be limited to 1 hour.

3. In order to avoid prejudice to either side, the Court will follow the normal rule regarding objections to evidence and other legal points which the Court must decide: No lengthy arguments in front of the jury. No sidebars. Any such argument should occur before 9:30 a.m. or after 4:00 p.m. unless it is unavoidable. Objections should consist of a citation to the Federal Rules of Evidence at issue and the applicable generic description (e.g. "relevance.")

4. Be on time and prepared with your witnesses. If you do not have your next witness present at any time, you will be deemed to have rested that portion of your case (e.g. case in chief, rebuttal.) You may present your direct examination of a witness when the witness first appears. Plaintiff must be prepared to call his first witness at 1:15 p.m. on Monday, March 29.

1 5. Regarding notices of witnesses and documents: At the close of each trial day, you must
2 disclose to the other parties the witnesses to be called the following two days, and the Exhibit
3 numbers of the documents that you plan to use on direct (other than for impeachment.) Within 24
4 hours of such disclosure, exchange exhibit numbers to be used in cross of the witnesses (other than
5 for impeachment.) You are not allowed to call witnesses or use documents other than those that
6 have not been previously disclosed in the Pretrial Conference Statement, and in the daily witness
7 lists.

8 6. The parties must rise when making an objection.

9 7. The parties must seek leave to approach witnesses.

10 8. Voir Dire: we'll be impaneling an 8 person jury.

11 a. Procedure: 20 people will be selected for Court Voir Dire. The Court will
12 compile questions based on the parties' proposed voir dire questions. Each side will
13 get 10 minutes for follow-up voir dire, then we'll proceed with for cause challenges,
14 and each side will have 3 peremptory challenges.

15 b. Regarding the neutral statement of the case to be read prior to jury selection, the
16 parties are ORDERED to file an agreed upon joint statement of the case to be read
17 during voir dire, no more than one paragraph in length, by 12:00 p.m. on Friday,
18 March 26.

19 9. Finally, the parties are ORDERED to file final witness and exhibit lists by 12:00 p.m. on
20 Friday, March 26.

21 **IT IS SO ORDERED.**

22
23 Dated: March 25, 2010



Maria-Ellen James
Chief United States Magistrate Judge